

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION**

MELVIN INGRAM;
SHANTEL ADAMS;
DAVID BECK;
DWYANE BOWENS;
ALFREDO CARDENAS;
VERONICA CLEAVES;
MARCUS COCHRAN;
ROBERT COLUCCI;
LESLIE CREWS;
ERIC FLAKE;

JACOB GREENWELL;
LAWONDA HODGES;
LAROME HUMPHREY;
ROBERT KATALTEPE;
JOHN LINTNER;
KEESHA MCCLINTON;
LAKISHA MCCOY;
CLIFTON MCCOY;
DEDRECK MCVAY;
HARRY OLIVER;

DARRELL ONSBY;
FREDERICK RAYFORD;
JOHN RILES;
ASHLEY ROBERTSON;
DEANDRE ROSSER;
DUSTIN RUSSELL;
PATRICK SHAW;
CEDRIC TAYLOR
JESSE TOWNSEND; and
STEVEN WESBY;

Individually and as potential class
Representatives for all similarly
Situated claimants

PLAINTIFFS

VS.

BILL OLDHAM, in his individual capacity
and in his official capacity as the Sheriff of
Shelby County, Tennessee; ROBERT
MOORE, in his individual capacity and in
his official capacity as the Jail Director of
the Shelby County, Tennessee; CHARLENE
McGHEE, in her individual capacity and in
her official capacity as the of Assistant Chief
Jail Security of Shelby County, Tennessee;
DEBRA HAMMONS, in her individual
capacity and in her official capacity as the
Assistant Chief of Jail Programs of Shelby
County, Tennessee; SHELBY COUNTY,
TENNESSEE, a Tennessee municipality;
and TYLER TECHNOLOGIES, INC., a
foreign corporation, and other unknown
and unnamed Individuals and Entities,

DEFENDANTS

NO: 2:17-cv-02795-SHM-tmp

JURY DEMAND

**MOTION AND MEMORANDUM FOR EXTENTION OF TIME TO RESPOND TO
TURNAGE'S 'MOTION TO DISMISS,' ECF NO. 80, FILED IN 2:16-cv-2907-SHM-tmp**

Plaintiffs, Melvin Ingram et al. ("*Ingram*"), by and through counsel of record, pursuant to LR 7.2(a)(2) and LR 12.1(b) of the Rules of the United States District Court for the Western District of Tennessee, and Fed. R. Civ. P. 6(b) and 12, move this Honorable Court for an extension of time to file a response to a Motion purported as filed in separate cause of action before this Court. In support of this motion Ingram states as follows:

1. This is the first request for an extension of time in this cause.

2. On November 21, 2017, Plaintiffs' counsel in Ingram were sent an email with an attached Motion filed in a separate cause of action before this Court, *Scott Turnage et al. v. Shelby County, Tennessee et al.*, Case No. 2:16-cv-2907-SHM-tmp. Said Motion, titled *Plaintiffs' Rule 23(g)(3) Motion for Appointment of Interim Class Counsel and to Dismiss without Prejudice or, Alternatively, to Stay the Recently Filed as Ingram Class Action Complaint* ("Turnage"), is attached as **Exhibit A** for the convenience of the Court. Turnage's attached Motion, in part, requests dismissal of Ingram's cause of action. Despite the fact not all Defendants have yet been served in Ingram, nor any Answers filed, Turnage's "...Motion to Dismiss without Prejudice" is, in effect, a *Motion for Judgment on the Pleadings*, pursuant to Fed. R. Civ. P. 12(b).

3. The subject matter of Turnage's Motion will necessitate Ingram to respond to Turnage's Motion in a separate cause of action.

4. Counsel for Turnage in the separate action has professed a belief Ingram must respond to Turnage's Motion by December 5, 2017. However, given the nature of Turnage's Motion and complexity of the research involved, Ingram needs additional time to conduct a reasonable investigation and determine the proper response. Although Ingram asserts that under the Local

Rules he is permitted twenty-eight (28) days to respond to Turnage's Motion, in the interests of clarification between all parties concerned in both actions, Ingram now formally requests this Court, either as an extension or by recognition of his existing rights, provide him twenty-eight (28) days to file his response.

5. This Motion for an extension of time to respond is not being sought for the purpose of interposing delay or undue prejudice to the any party.

CONCLUSION

Ingram requests the Court allow the extension requested up to and including December 22, 2017. This extension, or recognition of time to respond, would be in line with the purposes of the Federal Rules of Civil Procedure and Local Rules, and would not cause prejudice to any party of either lawsuit.

Respectfully submitted,

s/Daniel Lofton

DANIEL O. LOFTON, BPR#27386
2400 Poplar Ave., Ste. 210
Memphis, TN 38112
(901) 526-7837 Phone
dlofton@craigandloftonlaw.com

s/Paul Craig

PAUL F. CRAIG, BPR#18359
2400 Poplar Ave., Ste. 210
Memphis, TN 38112
(901) 526-7837 Phone

s/Steve Wilson

STEVE G. WILSON, BPR#28460
5100 Poplar Ave., Ste. 2700
Memphis, TN 38137
steve@stevewilsonfirm.com

s/Matt Gulotta
MATTHEW C. GULOTTA, BPR#28194
202 Adams Avenue
Memphis, TN 38103
matt@gulottalaw.net

s/Patrick Brooks
PATRICK M. BROOKS BPR#31045
2299 Union Avenue
Memphis TN 38104
patrick@patrickbrookslaw.com

Attorneys, Plaintiffs/Class Representatives

CERTIFICATE OF CONSULTATION

Counsel for Plaintiff, pursuant to Local Rule 7.2(a)(1)(B), hereby certifies that he conferred and attempted to confer with counsel for all related counsel, and Defendants in this action, Tyler Technologies, Inc., and Shelby County, Tennessee have no objection to this motion.

s/ Steve Wilson

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded by electronic means via the Court's electronic filing system to all parties of record. Additionally, a true and correct filed copy of this Motion was sent by email to counsel of record in *Scott Turnage et al. v. Shelby County, Tennessee et al.*, Case No. 2:16-cv-2907-SHM-tmp.

s/ Steve Wilson